

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.**

Crl. Misc. No. 58331-M of 2006

DATE OF DECISION : 07.12.2006

Kashmiri Lal and another

.... PETITIONERS

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:     Mr. A.P.S. Deol, Advocate,  
                  for the petitioners.  
  
               Mr. N.S. Gill, AAG, Punjab.  
  
               Mr. R.K. Singla, Advocate,  
                  for the complainant.

\* \* \*

The petitioners, apprehending their arrest in a non-bailable offence in case FIR No. 144 dated 5.9.2006 under Sections 406, 420, 506, 34 IPC, registered at Police Station Gidderbaha, District Muktsar, have filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR.

Counsel for the petitioners contends that an agreement of sale was executed between petitioner No.1 and the complainant. According to the said agreement, petitioner No.1 received earnest amount of Rs. 15,60,000/- from the complainant and sale deed was to be executed on or before 17.6.2006. Counsel contends that petitioner No.1 was always ready and willing and is still ready and willing to perform his part of the agreement, but the complainant is not willing to perform the agreement and he only wants double amount of the earnest money. In this regard, he has already filed a civil suit for recovery of Rs.31,21,000/- on the basis of the aforesaid agreement. Counsel contends that the matter is purely of civil nature and the FIR has been lodged without there being any offence

committed by the petitioners.

Counsel for the petitioners further states that in terms of the interim order dated November 14, 2006, the petitioners have joined the investigation. The State counsel, after having instructions from Makhan Singh ASI does not dispute this fact and he further states that the petitioners are no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated September 22, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

**December 07, 2006**  
ndj

**( SATISH KUMAR MITTAL )**  
**JUDGE**